

Board of Chiropractic Examiners

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**STATEMENT BY RICHARD H. TYLER, D.C., CHAIR
CALIFORNIA BOARD OF CHIROPRACTIC EXAMINERS**

The following statement was made by Richard Tyler, D.C., Chair of the California Board of Chiropractic Examiners at the Joint Hearing of the Senate Business, Professions and Economic Development Committee and Assembly Business and Professions Committee on March 28, 2007:

"With the chair's permission, I would like to make a statement.

As the newly elected Board chair it is my responsibility to ensure that proper procedures and correct legal protocols are always observed during Board meetings. I clearly recognize now that critical mistakes and errors of judgment were made during the March 1st 2007 meeting, and I take responsibility for those failings. Additionally, a review of prior meetings indicates that our Board did not follow proper procedure in some instances.

I'm not here to defend my actions nor the actions of other Board members. While not a lawyer, it is not a viable excuse for my failing to more aggressively seek and follow the advice of legal counsel. If mistakes were made, I assure you it was unintentional. On behalf of the Board, I apologize deeply for our shortcomings and will ensure future Board business is conducted within the framework of the law.

This Board values open dialogue, supports full disclosure, and transparency in government. It is the mission of this Board to protect consumers. Under my leadership, the Board will fulfill its mission and exemplify these values through our actions. Emotions concerning honestly held beliefs all too often obscure common sense and mistakes are made. To correct the errors made in past meetings, the Board has already or will institute the following measures:

1. Conducted a recent Board meeting regarding personnel matters within the strict guidelines set forth from legal staff at the Attorney General's office and the Department of Consumer Affairs.
2. Scheduled on-going training sessions during Board meetings on the Bagley-Keene Open Meetings Act, under the auspices of the Attorney General's office.
3. Placed on the April 19th 2007 agenda the reconsideration of any and all recognition of the Palmer College of Chiropractic – Florida until a more detailed evaluation of the application process is completed.
4. Placed on the April 19th 2007 agenda the reconsideration of any and all recognition of manipulation under anesthesia (MUA) until a detailed examination of the training, viability, and legal status of the procedure is evaluated.

5. Delegate to the Acting Executive Director the sole responsibility for handling all personnel related matters including hiring and administering progressive discipline.
6. Board members will not insert themselves in the enforcement process regarding on-going investigations or referrals to the Attorney General's office.

As point of clarification, I understand that under the Initiative Act, Section 4, the Board does have personnel responsibilities; however, as I stated earlier, we will delegate this to the Executive Director.

Secondly, the decision to hold a special meeting on March 23rd, 2007 to reconsider the Board's decision to withdraw the adverse action against Mr. Hinchee, was initiated by Board and legal staff – not the media as stated in the background paper. After the notice was sent to the media in accordance with law, the news article was published.

We on the Chiropractic Board are, like you, common citizens drawn into public service by the desire to serve the people of this great state. We seek the cooperation and guidance of our elected officials that these stated goals may be satisfied.

Thank you and I'm happy to take your questions."